


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 09/715,872) I hereby certify that this paper and the
Applicant: Bleser et al.) documents referred to as being attached or
Filed: November 15, 2000) enclosed therewith are being transmitted via
Title: APPARATUS AND METHOD) EFS-Web to the U.S. Patent and Trademark
FOR ACCESSING PHARMACY) Office on the date indicated:
INFORMATION AND ORDERING)
PRESCRIPTIONS) April~~23~~, 2007
TC/A.U.: 3626) 
Examiner: Rachel L. Porter) Randall G. Rueth
Att. Docket No.: 29488/36478) Reg. No. 45,887

DECLARATION OF INVENTORS UNDER 37 C.F.R. § 1.131

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

We, Michael Bleser, Tim McCauley, George Riedl, Randy Roesner, and Ron Weinert,
hereby declare the following:

1. We are the original, joint inventors of the subject matter claimed and disclosed
in the above-captioned application.
2. We have been informed that the above-captioned application, U.S. Application
Serial No. 09/715,872 was filed November 15, 2000 ("the Application") which claims priority
to provisional application 60/165,479 filed November 15, 1999.
3. We submit this Declaration for the purpose of providing evidence that the
subject matter claimed in the Application was conceived and reduced to practice in the United
States of America as of a date prior in time to September 13, 1999.

4. We have also been informed that the document “Name Change Reflects CVS’ Commitment to E-commerce” (hereinafter, “Name Change” a copy of which is attached hereto as Exhibit A) was cited against the claims pending in the Application.

5. We have been informed that the effective date of “Name Change” as an alleged prior art reference is September 13, 1999.

6. We have read and understood “Name Change,” attached as Exhibit A.

7. To establish the conception and reduction to practice of our invention prior to September 13, 1999, we provide evidence in the form of a Pharmacy Phase II: Electronic Commerce Infrastructure Specification which was created July 6, 1999 and modified between July 15, 1999 and July 28, 1999 (a copy of which is attached hereto as Exhibit B), and a Pharmacy Phase II: Database Management System Integration dated July 1, 1999 (a copy of which is attached hereto as Exhibit C) which provide documentary evidence that the invention recited in the currently pending claims was conceived and reduced to practice as of a date prior in time to September 13, 1999. Some portions of these Exhibits have been redacted to protect the confidential information disclosed therein.

8. The system and method described in Exhibits B and C provide the combination of hardware and software to enable a customer to access pharmacy data and order prescriptions via a network. The system described in the Exhibits included a network server connected to the network that was accessible by one or more customers via the network. The Exhibits also show that the system was to include an application server connected to the network server and a database connected to the application server, the database containing information concerning drugs and personal information concerning one or more of the customers. The Exhibits further show that the system was to include an intranet server that was connected to at least a plurality of member pharmacies and one or more shipping facilities, with the intranet server connected to the application server.

9. The application server was configured to allow a customer to access the information concerning drugs and personal information concerning that customer; and provide each of the one or more customers with an option to transmit a prescription order to at least one of the plurality of member pharmacies or one of the one or more shipping facilities, wherein at least one prescription drug associated with the prescription order was shipped from the one of the one or more shipping facilities when the customer chose the option to transmit the prescription order to the one or more shipping facilities.

10. The Exhibits B and C were created in the United States of America, where our invention was also conceived, prior to September 13, 1999.

11. All statements made herein of our own knowledge are true and all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and such willful false statements may jeopardize the validity of the application or patent issued thereon.

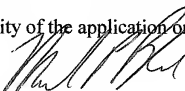
7/9/07
Date

4/9/07
Date

4/9/07
Date


4/5/07
Date

4/13/07
Date


Michael Bleser


Tim McCauley


George Riedl


Randy Roesner


Ron Weinert